

**REGULAR MONTHLY MEETING OF BERKELEY COUNTY COUNCIL**  
**August 23, 2004**

The **REGULAR MONTHLY MEETING OF BERKELEY COUNTY COUNCIL** was held on Monday, **August 23, 2004**, at 7:02 p.m., in the Assembly Room of the Berkeley County Office Building, 223 North Live Oak Drive, Moncks Corner, South Carolina.

PRESENT: Mr. James H. Rozier, Jr., Supervisor, Chairman; Mrs. Judith K. Spooner, Council Member District No. 2; Mr. William E. Crosby, Council Member District No. 3; Mr. Charles E. Davis, Council Member District No. 4; Mr. Dennis L. Fish, Council Member District No. 5; Mrs. Judy C. Mims, Council Member District No. 6; Mr. Caldwell Pinckney, Jr., Council Member District No. 7; Mr. Steve C. Davis, Council Member District No. 8; Mr. D. Mark Stokes, County Attorney; and Ms. Barbara B. Austin, Clerk of County Council. Mr. Milton Farley, Council Member District No. 1, was excused from this meeting.

In accordance with the Freedom of Information Act, the electronic and print media were duly notified.

*During periods of discussion and/or presentations, minutes are typically condensed and paraphrased.*

Chairman Rozier called the meeting to order and asked for approval of minutes from: Public Hearing held July 12, 2004, for a CDBG; Public Hearings held July 26, 2004, for Bills Numbered 04-43, 04-44 and 04-45; Special Meeting of Council held July 12, 2004; and a Regular Meeting of Council held July 26, 2004.

**APPROVAL OF MINUTES**

It was moved by Council Member Crosby and seconded by Council Member Fish to approve the minutes as presented. The motion was passed by unanimous voice vote of Council.

**PUBLIC DISCUSSION** – None

**EXECUTIVE SESSION**

Chairman Rozier stated an Executive Session was necessary to discuss matters relating to the proposed location, expansion, or the provision of services encouraging location or expansion of industries, or other businesses in the area served by the County; or discussions of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property, the receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim, or other matters covered by the

attorney – client privilege, settlement of a legal claim, or the position of the County in other adversary situations involving the assertion against the County of a claim.

It was moved by Council Member Spooner and seconded by Council Member Fish to enter into Executive Session for the reasons stated. The motion was passed by unanimous voice vote of Council.

Council entered into Executive Session at 7:04 p.m., and returned to Regular Session at 7:18 p.m.

Mr. D. Mark Stokes, Berkeley County Attorney, reported that Council entered into Executive Session for the reasons stated in the motion. No formal action was taken.

### **THIRD READING**

**“BILL NO. 04-42, AN ORDINANCE TO AMEND ORDINANCE NO. 99-4-18, ADOPTING A **COMPREHENSIVE PLAN** FOR THE COUNTY OF BERKELEY, PURSUANT TO SOUTH CAROLINA CODE OF LAWS SECTION 6-29-510, 1976, AS AMENDED.”**

It was moved by Council Member Pinckney and seconded by Council Member Spooner to approve, for Third Reading, **Bill No. 04-42**. The motion was passed by unanimous voice vote of Council. (A copy of Ordinance No. 04-08-48 is attached to these minutes.)

**“BILL NO. 04-46, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO THE APPROVED USES OF TMS #032-00-03-007.”**  
(Anna Bell Frazier)

It was moved by Council Member Pinckney and seconded by Council Member Spooner to approve, for Third Reading, **Bill No. 04-46**. The motion was passed by unanimous voice vote of Council. (A copy of Ordinance No. 04-08-49 is attached to these minutes.)

**“BILL NO. 04-47, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO THE APPROVED USES OF TMS #244-04-01-022.”**  
(Marvetta Perry-Grant for Elaine Myers)

It was moved by Council Member Crosby and seconded by Council Member Spooner to approve, for Third Reading, **Bill No. 04-47**. The motion was passed by unanimous voice vote of Council. (A copy of Ordinance No. 04-08-50 is attached to these minutes.)

**“BILL NO. 04-48, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO THE APPROVED USES OF TMS #248-00-02-004.”**  
*(Rutha L. Kinlock)*

With no objection from Council, Council Member Steve Davis recommended that **Bill No. 04-48** be **postponed for Third Reading** and **held in Committee**.

**“BILL NO. 04-49, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO THE APPROVED USES OF TMS #271-00-02-004.”**  
*(Peter Washington)*

It was moved by Council Member Steve Davis and seconded by Council Member Spooner to approve, for Third Reading, Bill No. 04-49. The motion was passed by unanimous voice vote of Council. (A copy of Ordinance No. 04-08-51 is attached to these minutes.)

**“BILL NO. 04-50, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO THE APPROVED USES OF TMS #144-00-02-025.”**  
*(Ebony Lloyd Simmons for Heirs of Clara Johnson)*

It was moved by Council Member Steve Davis and seconded by Council Member Pinckney to approve, for Third Reading, Bill No. 04-50. The motion was passed by unanimous voice vote of Council. (A copy of Ordinance No. 04-08-52 is attached to these minutes.)

**“BILL NO. 04-51, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO THE APPROVED USES OF TMS #222-00-00-129.”**  
*(Tyson Otts)*

Chairman Rozier stated that due to the subdivision of the 5.01-acre portion of 10.02 acres, the new TMS #222-00-00-129 was assigned to Bill No. 04-51. The original TMS number, prior to subdivision, was TMS #222-00-00-119.

It was moved by Council Member Charles Davis and seconded by Council Member Steve Davis to approve, for Third Reading, Bill No. 04-51. The motion was passed by unanimous voice vote of Council. (A copy of Ordinance No. 04-08-53 is attached to these minutes.)

**“BILL NO. 04-52, AN ORDINANCE AUTHORIZING A ONE-YEAR POSTPONEMENT OF THE IMPLEMENTATION OF REVISED VALUES**

RESULTING FROM THE EQUALIZATION PROGRAM (**REASSESSMENT**), AS PROVIDED IN SECTION 12-43-217, CODE OF LAWS OF SOUTH CAROLINA 1976, AS AMENDED.”

It was moved by Council Member Fish and seconded by Council Member Pinckney to approve, for Third Reading, **Bill No. 04-52**. The motion was passed by unanimous voice vote of Council. (A copy of Ordinance No. 04-08-54 is attached to these minutes.)

“**BILL NO. 04-53**, AN ORDINANCE AMENDING ORDINANCE NO. 87-6-9, WHICH PROVIDED FOR THE CREATION OF THE BERKELEY COUNTY ACCOMMODATIONS TAX ADVISORY COMMITTEE, TO MODIFY THE COMPOSITION OF AND APPOINTMENT TO THE COMMITTEE AND TO REPEAL ORDINANCE NO. 01-9-44 IN ITS ENTIRETY.”

It was moved by Council Member Pinckney and seconded by Council Member Steve Davis to approve, for Third Reading, **Bill No. 04-53**. The motion was passed by unanimous voice vote of Council. (A copy of Ordinance No. 04-08-55 is attached to these minutes.)

“**BILL NO. 04-63**, AN ORDINANCE TO AMEND THE SANGAREE SPECIAL TAX DISTRICT OPERATIONAL BUDGET FOR THE FISCAL YEAR BEGINNING JULY 1, 2004, AND ENDING JUNE 30, 2005, AND TO PROVIDE FOR THE LEVY OF AD VALOREM PROPERTY TAXES IN THE AMOUNT OF FORTY-EIGHT (48.0) MILLS (ORDINANCE NO. 04-06-43).”

It was moved by Council Member Charles Davis and seconded by Council Member Fish to approve, for Third Reading, **Bill No. 04-63**. The motion was passed by unanimous voice vote of Council. (A copy of Ordinance No. 04-08-56 is attached to these minutes.)

*Berkeley County Council Rules allow all bills to be given Second Reading by one motion as a collective group. Any member may object to a particular bill, and it shall be separated from the collective group and handled by a separate motion.*

It was moved by Council Member Mims and seconded by Council Member Steve Davis to approve the bills for Second Reading with one motion as a collective group. The motion was passed by unanimous voice vote of Council.

## **SECOND READING**

“**BILL NO. 04-54**, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO THE APPROVED USES OF TMS #211-00-02-009.”  
(George Herrin)

**“BILL NO. 04-57, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO THE APPROVED USES OF TMS #250-00-00-015.”**  
*(John R. Nick)*

**“BILL NO. 04-58, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO THE APPROVED USES OF TMS #046-00-01-015.”**  
*(Doris Marie Holmes)*

**“BILL NO. 04-61, AN ORDINANCE AUTHORIZING BERKELEY COUNTY, SOUTH CAROLINA, TO EXECUTE AND DELIVER AN EQUIPMENT LEASE PURCHASE AGREEMENT IN THE AMOUNT OF NOT EXCEEDING \$2,000,000.00 BETWEEN THE COUNTY AND THE LESSOR THEREOF TO DEFRAY THE COST OF ACQUIRING CERTAIN EQUIPMENT FOR USE BY THE BERKELEY COUNTY WATER AND SANITATION AUTHORITY; AND OTHER MATTERS RELATING THERETO.”**

**“BILL NO. 04-62, AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF AN INDUCEMENT AGREEMENT BY AND BETWEEN BERKELEY COUNTY, SOUTH CAROLINA, AND MAYBANK INDUSTRIES, LLC, WHEREBY, UNDER CERTAIN CONDITIONS, BERKELEY COUNTY WILL FACILITATE CERTAIN ECONOMIC DEVELOPMENT INCENTIVES FOR A PROJECT FINANCED WITH INDUSTRIAL DEVELOPMENT REVENUE BONDS PURSUANT TO THE PROVISIONS OF TITLE 4, CHAPTER 29 OF THE CODE OF LAWS OF SOUTH CAROLINA 1976, AS AMENDED; AND OTHER MATTERS RELATED THERETO.”**

It was moved by Council Member Fish and seconded by Council Member Spooner to approve, for Second Reading, Bill Nos. 04-54, 04-57, 04-58, 04-61 and 04-62. The motion was passed by unanimous voice vote of Council.

### **FIRST READING**

Chairman Rozier stated that there were five bills for First Reading. Bills for First Reading are not discussed or voted upon. The bills are read into the record by title only and, thereafter, sent to the proper Committee for discussion.

**“BILL NO. 04-66, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO THE APPROVED USES OF TMS #080-00-02-015 AND 049.”** *(Ricky & Pamela Clark)*

“**BILL NO. 04-67**, AN ORDINANCE TO AMEND **CHAPTER 65 OF THE CODE OF ORDINANCES**, BERKELEY COUNTY, SOUTH CAROLINA, TO PROVIDE FOR THE REGULATION OF THE USE OF PUBLIC AND PRIVATE WATER DISTRIBUTION SYSTEMS AND WASTEWATER COLLECTION, TREATMENT, AND DISPOSAL AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF.”

“**BILL NO. 04-68**, AN ORDINANCE TO ESTABLISH A **SOLID WASTE LICENSING SYSTEM** FOR SOLID WASTE COLLECTORS OPERATING IN BERKELEY COUNTY AND TO PROVIDE PENALTIES FOR VIOLATIONS THEREOF.”

“**BILL NO. 04-69**, AN ORDINANCE TO AMEND BERKELEY COUNTY CODE OF ORDINANCES SECTION 38-31, **CARELESS DRIVING** (ORDINANCE NO. 92-4-3) PROVIDING FOR A NEW DEFINITION OF CARELESS DRIVING AND A NEW PENALTY FOR VIOLATION THEREOF.”

“**BILL NO. 04-70**, AN ORDINANCE TO AMEND BERKELEY COUNTY CODE OF ORDINANCES SECTIONS 2-92 AND 2-93 (SECTIONS TWO AND THREE OF ORDINANCE NO. 97-1-2) REGARDING **PUBLIC NOTICE AND PUBLIC HEARING PROCEDURES** OF CERTAIN DEVELOPMENT AGREEMENTS AUTHORIZED BY THE SOUTH CAROLINA LOCAL GOVERNMENT DEVELOPMENT AGREEMENT ACT.”

## **RESOLUTIONS**

“**RESOLUTION** PROVIDING FOR THE **TRANSFER OF FUNDS** IN THE 2004-2005 BERKELEY COUNTY BUDGET FOR COUNTY PURPOSES OTHER THAN AS SPECIFIED IN SAID BUDGET.”

It was moved by Council Member Fish and seconded by Council Member Crosby to approve the **Resolution** providing for the **transfer of funds** in the 2004-2005 County budget. The motion was passed by unanimous voice vote of Council. (A copy of Resolution No. 04-27 is attached to these minutes.)

“**RESOLUTION** PROVIDING FOR AN **ANNUAL ADJUSTMENT** IN THE SALARY OF THE **PROBATE JUDGE**.”

It was moved by Council Member Crosby and seconded by Council Member Spooner to approve the **Resolution** providing an **annual adjustment** in the salary of the **Probate Judge**. The motion was passed by unanimous voice vote of Council. (A copy of Resolution No. 04-28 is attached to these minutes.)

“**RESOLUTION** ACCEPTING THE DONATION OF CERTAIN PLOTS OF **BURIAL PROPERTY** LOCATED IN THE WHISPERING PINES MEMORIAL

GARDENS, MONCK'S CORNER, SOUTH CAROLINA, FOR THE DISPOSAL OF INDIGENT REMAINS.”

It was moved by Council Member Fish and seconded by Council Member Crosby to approve the **Resolution** accepting plots of **burial property** in Whispering Pines for the cremated remains of indigents. The motion was passed by unanimous voice vote of Council. (A copy of Resolution No. 04-29 is attached to these minutes.)

“**RESOLUTION** ADOPTING VARIOUS POLICIES PROVIDING FOR REIMBURSEMENT TO THE COUNTY FOR THE USE OF LONG DISTANCE AND CELLULAR **PHONE SERVICE** FOR PERSONAL CALLS AND PROVIDING FOR REIMBURSEMENT TO EMPLOYEES AND ELECTED OFFICIALS FOR COUNTY RELATED USE OF PERSONAL PHONES.”

It was moved by Council Member Pinckney and seconded by Council Member Steve Davis to approve the **Resolution** adopting County policies for the reimbursement of funds with regard to **phone usage**. The motion was passed by unanimous voice vote of Council. (A copy of Resolution No. 04-30 is attached to these minutes.)

## **REPORTS FROM STANDING COMMITTEES**

### **COMMITTEE ON FINANCE, Mr. Dennis L. Fish, Chairman**

Chairman Fish reported the Committee on Finance met on August 9<sup>th</sup> and earlier this night. All matters before the Committee were addressed on this night's agenda. (That concluded Chairman Fish's report.)

### **COMMITTEE ON LAND USE, Mr. Milton Farley, Chairman**

Acting Chairman Spooner reported the Committee on Land Use met on August 9<sup>th</sup>, and many of the matters before the Committee were addressed on this night's agenda.

On recommendation of the Committee, Acting Chairman Spooner moved to **deny** the request by **M. Dennis Brown**, 327 Cypress Gardens Road, Moncks Corner, TMS #210-00-00-151 and 182, (3.36 acres and 5 acres), from GC, General Commercial District and HI, Heavy Industrial District, to HI, Heavy Industrial District. (**No Second required.**)

The motion was passed by unanimous voice vote of Council. (That concluded Acting Chairman Spooner's report.)

### **COMMITTEE ON PUBLIC WORKS AND PURCHASING, Mr. Caldwell Pinckney, Jr., Chairman**

Chairman Pinckney reported the Committee on Public Works and Purchasing met on August 9<sup>th</sup> and earlier this night.

On recommendation of the Committee, Chairman Pinckney moved to award the contract for data cabling at the new County office building to Home Telephone Company in the amount of \$122,285.17. (No Second required.)

The motion was passed by unanimous voice vote of Council.

On recommendation of the Committee, Chairman Pinckney moved to award the contract for tree clearance at the Berkeley County Airport to Bob Hammond Construction in the amount of \$118,680.00 and the contract for runway extension to Colony Construction in the amount of \$384,028.70. (No Second required.)

The motion was passed by unanimous voice vote of Council.

On recommendation of the Committee, Chairman Pinckney moved to approve the sole source purchase of Flygt wastewater pumps directly from ITT Flygt Corporation. (No Second required.)

The motion was passed by unanimous voice vote of Council.

On recommendation of the Committee, Chairman Pinckney moved to approve the sole source purchase of Caterpillar generators from the Blanchard Machinery Company. (No Second required.)

The motion was passed by unanimous voice vote of Council.

On recommendation of the Committee, Chairman Pinckney moved to approve the purchase of three roll-off trucks from Hughes Motors in the amount of \$316,257.00. (No Second required.)

The motion was passed by unanimous voice vote of Council. (This concluded Chairman Pinckney's report.)

**COMMITTEE ON JUSTICE AND PUBLIC SAFETY, Mrs. Judy C. Mims, Chairman**

Chairman Mims reported the Committee on Justice and Public Safety met on August 9<sup>th</sup>. Several of the matters before the Committee were addressed on this night's agenda.

On recommendation of the Committee, Chairman Mims moved to approve the extension of a loan with Farmers & Merchants Bank, not to exceed \$80,000.00, to cover training center capital expenditures of two fire trucks, one tractor, tile for classrooms,



power point unit, two restrooms next to the Burn Building and one bushhog. (No Second required.)

The motion was passed by unanimous voice vote of Council. (That concluded Chairman Mims' report.)

**COMMITTEE ON WATER AND SANITATION, Mr. Steve C. Davis,  
Chairman**

Chairman Steve Davis reported that the Committee on Water and Sanitation met on August 9<sup>th</sup>. Several of the matters before the Committee were addressed on this night's agenda.

On recommendation of the Committee, Chairman Steve Davis moved to approve the contract with Cingular Wireless to lease from Berkeley County a portion of the property at 1029 Poplar Hill Drive, Ridgeville, for \$8,800.00 per year. The contract would be renegotiable after a period of five years. (No Second required.)

The motion was passed by unanimous voice vote of Council.

On recommendation of the Committee, Chairman Steve Davis moved to approve the contract to Camp Dresser and McKee for composting facility improvements in the amount of \$30,100.00, municipal solid waste expansion in the amount of \$136,726.00, C&D expansion in the amount of \$180,600.00, and Landfill gas control project in the amount of \$33,800.00. (No Second required.)

The motion was passed by unanimous voice vote of Council.

On recommendation of the Committee, Chairman Steve Davis moved to approve an amendment to the franchise agreement with the Town of Jamestown, dated August 24, 1999. (No Second required.)

The motion was passed by unanimous voice vote of Council.

On recommendation of the Committee, Chairman Steve Davis moved to approve an amendment to the Solid Waste Regulations that would restrict the size of vehicles discarding debris at convenience centers to not exceed a half-ton pick-up truck and require a tipping fee at the Landfill for debris weighing over 1,000 pounds. (No Second required.)

The motion was passed by unanimous voice vote of Council. (That concluded Chairman Steve Davis' report.)

**COMMITTEE ON PLANNING AND DEVELOPMENT, Mr. Charles E.  
Davis, Chairman**

Chairman Charles Davis reported the Committee on Planning and Development met on August 9<sup>th</sup> and earlier this night. All matters before the Committee were addressed on this night's agenda. (That concluded Chairman Charles Davis' report.)

**COMMITTEE ON COMMUNITY SERVICES, Mrs. Judith K. Spooner, Chairman**

Chairman Spooner reported the Committee on Community Services met on August 9<sup>th</sup>. Ms. Anne Propst, President of the Berkeley County Historical Society, provided the Committee with an update of the activities of the Historical Society and was invited to return each year and provide an annual report. No action was required. (That concluded Chairman Spooner's report.)

**COMMITTEE ON HUMAN SERVICES, Mr. William E. Crosby, Chairman – no report.**

**NOMINATIONS FOR MEMBERSHIP ON BOARDS, COMMISSIONS, ETC.**

Council Member Spooner nominated Ms. Patricia E. Baxley to serve on the Berkeley County Planning Commission.

Council Member Fish nominated Ms. Kimberly McCandless, Mr. Scott McCain, Ms. Susan Meyer, and Ms. Deborah Royal to serve on the Devon Forest Special Tax District Advisory Commission.

Council Member Fish continued by nominating Mr. Neal Menkus, Mr. Mark Blevins and Mr. James Norman Gaskin to serve on the Tall Pines Special Tax District Advisory Commission.

The nominations to the Berkeley County Planning Commission, and the Devon Forest and Tall Pines Special Tax District Advisory Commissions passed by unanimous voice vote of Council.

**CORRESPONDENCE – None**

**UNFINISHED BUSINESS**

Chairman Rozier stated that last month's emergency purchase of a commercial dryer at the Detention Center required total funds of \$250 from Contingency, versus \$5,426, because insurance proceeds of \$5,176 were received by the County.

**NEW BUSINESS**

Mr. Kip Pratt stated that the County was in receipt of a grant offer from the state for up to \$200,000 for a new terminal building at the Berkeley County Airport.

It was moved by Council Member Pinckney and seconded by Council Member Spooner to approve acceptance of a grant from the State of South Carolina in an amount not to exceed \$200,000 for a new terminal building at the Airport, and to approve a **Resolution** authorizing the County Supervisor to execute a grant agreement with the state for same. The motion was passed by unanimous voice vote of Council. (A copy of Resolution No. 04-34 is attached to these minutes.)

Mr. Pratt requested Council's approval for acceptance of a grant in an amount up to \$17,750 for the runway extension at the Airport. This grant is the state's share of matching funds amounting to 2.5 percent.

It was moved by Council Member Fish and seconded by Council Member Pinckney to approve acceptance of a grant from the State of South Carolina in an amount not to exceed \$17,750 for the extension of Runway 5 at the Airport, and to approve a **Resolution** authorizing the County Supervisor to execute a grant agreement with the state for same. The motion was passed by unanimous voice vote of Council. (A copy of Resolution No. 04-33 is attached to these minutes.)

Mr. Mark Stokes stated Council's approval was necessary for resolutions authorizing the County Supervisor to execute grant agreements with the state for two additional state grants with regard to the Airport. The first grant, up to an amount of \$8,333, is to conduct an environmental assessment and engineering design study for the runway extension project. This would include the installation of security fencing. The second grant, totaling up to \$3,088, is for the rejuvenation, sealing and marking of Runway 5/23 at the Airport.

It was moved by Council Member Crosby and seconded by Council Member Fish to approve two Resolutions for the execution of grant agreements with the State of South Carolina, with the **first Resolution** being for an amount not to exceed \$8,333 for an environmental assessment, engineering design study and security fencing for the runway extension, and the **second Resolution** being for an amount not to exceed \$3,088 for rejuvenation, sealing and marking of Runway 5/23. The motion was passed by unanimous voice vote of Council. (A copy of Resolution Nos. 04-31 and 04-32, respectively, are attached to these minutes.)

## ANNOUNCEMENTS

Chairman Rozier stated that the September, 2004, Regular Meeting of Berkeley County Council would be held on Monday, September 27, 2004, immediately following Public Hearings and the meeting of the Committee on Finance, at 6:00 p.m., in the Assembly Room, 223 North Live Oak Drive, Moncks Corner, South Carolina.

## **ADJOURNMENT**

It was moved by Council Member Steve Davis and seconded by Council Member Crosby to adjourn the Regular Meeting of County Council. The motion was passed by unanimous voice vote of Council.

Meeting adjourned at 7:42 p.m., for the execution of documents by Council.

## **PUBLIC DISCUSSION**

Ms. Sharon Mims, residing at 1530 State Road, Summerville, addressed Council and stated her concern with a junkyard, which was grandfathered into her residential area in 1999. The junkyard operates a compactor to crush vehicles during all hours of the day and night. Ms. Mims presented Council with a Draft Noise Ordinance, dated August 23, 2004, which she had composed. The draft refers to actual decibel levels, which Ms. Mims felt would address the vagueness of the County's current Noise Ordinance and eliminate the difficulties faced by Deputies in its enforcement. A copy of this draft ordinance is attached hereto, and by this reference, is made a part hereof.

Ms. Mims concluded by stating another issue she had with regard to the County not incorporating a license requirement in order to operate a business within the County. In addition to tracking businesses operating within the County, the requirement of a license would generate additional revenue for the County.

With no objection from Council, Chairman Rozier recommended that the draft ordinance, presented by Ms. Mims, be reviewed by the County's Legal and Sheriff's Departments.

Berkeley County Representative David Umphlett, residing at 1145 Highway 402, Moncks Corner, addressed Council by stating that he, along with other Representatives, had met with Congressman Clyburn. At that time, Representative Umphlett was informed that the US Fish & Wildlife, NOAA and the SC Conservation League desired stiffer requirements in Santee Cooper's ability to obtain a renewal of its perk license. Santee Cooper would be required to spend \$40,000,000 - \$100,000,000 if those desired stipulations were imposed. Some of the stipulations suggested by the organizations included installation of fish lifts at Wilson Landing and the Jefferies Generating Station to increase the fish population in the lakes, and an increase in water flow to the Cooper and Santee Rivers from 4,000 cfs to 10,000 cfs (cubic feet per second). Ironically, the purpose of constructing the redirection canal in Santee was to satisfy the Corp of Engineers' desire to decrease water flow into the Cooper River and, thus, decrease silt in the Charleston Harbor. Such an increase in water flow to both rivers from the lakes would drastically affect water levels in the lakes, which would impact boating, fishing and hunting. If these stipulations are mandated, Santee Cooper Electric and cooperative electric companies served by Santee Cooper would be forced to increase electrical rates to its customers. Santee Cooper's Chief Executive Officer plans to hold a meeting of

entities and municipalities in an effort to gain support. Representative Umphlett asked for Council's help in supporting Santee Cooper Electric.

Representative Umphlett concluded by requesting Council to consider adopting a sign ordinance in Berkeley County. Political signs plague the roadsides far before and after elections. Representative Umphlett recommended an ordinance be adopted, which would require political signs to be erected no more than 30 days prior to an election and remain standing no longer than 10 days after an election, with fines imposed for violations. If a run-off occurs in a primary, the signs could remain standing until 10 days after the run-off. If there is opposition in a general election, the signs could not be erected again until 30 days prior to that general election. Political signs still stand along roadsides from this year's primary election. Politicians should know where all their signs are located and be responsible for them.

Public discussion concluded at 8:17 p.m.

S/Barbara B. Austin, CCC  
Clerk of County Council

September 27, 2004  
Date Approved

The **REGULAR MONTHLY MEETING OF BERKELEY COUNTY COUNCIL** to be held on **Monday August 23, 2004**, is scheduled to begin immediately following Public Hearings, and the meeting of the Committee on Finance, the Committee on Public Works and Purchasing, and the Committee on Planning and Development at **6:00 P.M.**, in the **ASSEMBLY ROOM, BERKELEY COUNTY OFFICE BUILDING, 223 NORTH LIVE OAK DRIVE, MONCKS CORNER, S. C.**

## **CALL TO ORDER**

## **APPROVAL OF MINUTES:**

<b>Public Hearing: CDBG</b>	<b>July 12, 2004</b>
<b>Special Meeting of Council:</b>	<b>July 12, 2004</b>
<b>Public Hearings: Bills Numbered: 04-43, 04-44, 04-45</b>	<b>July 26, 2004</b>
<b>Regular Council Meeting</b>	<b>July 26, 2004</b>

**PUBLIC DISCUSSION** - Request to be heard must be made prior to Call to Order and comments must be limited to Agenda items being considered for final action.

**EXECUTIVE SESSION** to discuss matters relating to the proposed location, expansion, or the provision of services encouraging location or expansion of industries, or other businesses in the area served by the county; or discussions of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property, the receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim or other matters covered by the attorney-client privilege, settlement of legal claim, or the position of the County in other adversary situations involving the assertion against the County of a claim.

## **CHAIRMAN OF COUNTY COUNCIL**

## **THIRD READING:**

**1. Bill No. 04-42**, an **ordinance** to amend Ordinance No. 99-4-18, adopting a **Comprehensive Plan** for the County of Berkeley, pursuant to South Carolina Code of Laws Section 6-29-510, 1976, as amended.

[Recommended by Committee on Planning and Development]

**2. Bill No. 04-46**, An **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Anna Bell Frazier**, 3955 Highway 45, Cross, TMS# 032-00-03-007, (1 lot), **from GC, General Commercial District, to F-1 Agricultural District**. Council District 7.

[Recommended by Committee on Land Use]

3. **Bill No. 04-47**, An **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Marvetta Perry-Grant** for Elaine Myers, 226 Liberty Hall Road, Goose Creek, TMS# 244-05-01-022, (1.35-acre portion, 2.7 acres total), **from R-2, Manufactured Residential District, to RNC, Rural and Neighborhood Commercial District**. Council District No. 3.

[Recommended by Committee on Land Use]

4. **Bill No. 04-48**, An **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Rutha L. Kinlock**, 1025 Charity Church Road, Huger, TMS# 248-00-02-004, (1 lot), **from R-2, Manufactured Residential District, to RNC, Rural and Neighborhood Commercial District**. Council District No. 8.

[Contract must be signed to receive third reading]

[Recommended by Committee on Land Use]

5. **Bill No. 04-49**, An **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Peter Washington**, 812 Oceanview Court, Wando, TMS# 271-00-02-004, (1 lot), **from GC, General Commercial District, to R-1MM. Multi-Section Residential District**. Council District No. 8.

[Recommended by Committee on Land Use]

6. **Bill No. 04-50**, An **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Ebony Lloyd Simmons** for Heirs of Clara Johnson, 1658 Highway 402, Moncks Corner, TMS# 144-00-02-025, (1 acre portion, 14.5 acres total), **from F-1, Agricultural District, to RNC, Rural and Neighborhood Commercial District**. Council District No. 8.

[Recommended by Committee on Land Use]

7. **Bill No. 04-51**, An **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Tyson Otts**, 341 Myers Road, Summerville, TMS# 222-00-00-119, (5.01 acre portion of 10.02 acres total), **from PDMU, Planned District Mixed Use, to R-2, Manufactured Residential District**. Council District No. 4.

[Recommended by Committee on Land Use]

8. **Bill No. 04-52**, an **ordinance** authorizing a **one-year postponement** of the implementation of revised values resulting from the equalization program (**reassessment**), as provided in Section 12-43-217, Code of Laws of South Carolina 1976, as amended.

[Recommended by Committee on Finance]

9. **Bill No. 04-53**, an **ordinance** amending Ordinance No. 87-6-9, which provided for the creation of the **Berkeley County Accommodations Tax Advisory Committee**,

to modify the composition of and appointment to the Committee and to repeal Ordinance No. 01-9-44 in its entirety.

[Recommended by Committee on Finance]

**10. Bill No. 04-63, an ordinance** to amend the **Sangaree Special Tax District operational budget** for the fiscal year beginning July 1, 2004, and ending June 30, 2005, and to provide for the levy of Ad Valorem property taxes in the amount of Forty-Eight (48.0) mills (Ordinance No. 04-06-43).

[Recommended by Committee on Finance]

*Berkeley County Council Rules allows all bills to be given second reading by one motion as a collective group. Any member may object to a particular bill and it shall be separated from the collective group and handled by a separate motion.*

### **SECOND READING:**

**1. Bill No. 04-54, An ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **George Herrin**, Cypress Gardens Road and Old Highway 52, Moncks Corner, TMS# 211-00-02-009 (37.08 acres), **from HI, Heavy Industrial District, to R-1, Single Family Residential District.** Council District No. 3.

[Recommended Committee on Land Use]

**2. Bill No. 04-57, An ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **John R. Nick**, 5338 Halfway Creek Road, Huger, TMS# 250-00-00-015 (1 lot), **from R-2, Manufactured Residential District, to RNC, Rural and Neighborhood Commercial District.** Council District No. 8.

[Recommended by Committee on Land Use]

**3. Bill No. 04-58, An ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Doris Marie Holmes**, 230 Blanding Road, St. Stephen, TMS # 046-00-01-015 (1 acres), **from F-1, Agricultural District to RNC, Rural Neighborhood Commercial District.** Council District No. 7.

[Recommended by Committee on Land Use.]

**4. Bill No. 04-61, An ordinance** authorizing Berkeley County, South Carolina, to execute and deliver an **equipment lease purchase agreement** in the amount of not exceeding \$2,000,000.00 between the County and the Lessor thereof to defray the cost of acquiring certain equipment for use by the Berkeley County Water and Sanitation Authority; and other matters relating thereto.

[Recommended by Committee on Water & Sanitation]

**5. Bill No. 04-62, An ordinance** authorizing the execution and delivery of an inducement agreement by and between **Berkeley County, South Carolina** and



**Maybank Industries, LLC**, whereby, under certain conditions, Berkeley County will facilitate certain economic development incentives for a project financed with industrial development revenue bonds pursuant to the provisions of Title 4, Chapter 29 of the Code of Laws of South Carolina 1976, as amended; and other matters related thereto.

[Recommended by Committee on Finance]

**FIRST READING:**

**1. Bill No. 04-66**, an **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Ricky & Pamela Clark**, 2647 and 2649 Mudville Road, Ridgeville, TMS# 080-00-02-015&049, (1 acre & 1.85 acres), **from F-1, Agricultural District, to R-3, Mobile Home Park District**. Council District No. 7.

[Recommended by Committee on Land Use]

**2. Bill No. 04-67**, an **ordinance** to amend **Chapter 65 of the Code of Ordinances**, Berkeley County, South Carolina, to provide for the regulation of the use of public and private water distribution systems and wastewater collection, treatment, and disposal and providing penalties for violations thereof.

[Recommended by Committee on Water & Sanitation]

**3. Bill No. 04-68**, an **ordinance** to **establish a solid waste licensing system** for solid waste collectors operating in Berkeley County and to provide penalties for violations thereof.

[Recommended by Committee on Water & Sanitation]

**4. Bill No. 04-69**, an **ordinance** to amend Berkeley County Code of Ordinances Section 38-31, **Careless Driving** (Ordinance No. 92-4-3) providing for a new definition of careless driving and a new penalty for violation thereof.

[Recommended by Committee on Justice and Public Safety]

**5. Bill No. 04-70**, an **ordinance** to amend Berkeley County Code of Ordinances Sections 2-92 and 2-93 (Sections two and three of Ordinance No. 97-1-2) **regarding public notice and public hearing procedures** of certain development agreements authorized by the South Carolina Local Government Development Agreement Act.

[Recommended by Committee on Planning and Development]

**RESOLUTIONS:**

**1. RESOLUTION** providing for the Transfer of Funds in the 2004-2005 Berkeley County Budget for County Purposes other than as specified in said Budget.

[Recommended by Committee on Finance]

2. **RESOLUTION** providing for an **annual adjustment** in the salary of the **Probate Judge**.

[Recommended by Committee on Justice and Public Safety]

3. **RESOLUTION** accepting the donation of certain plots of **burial property** located in the Whispering Pines Memorial Gardens, Moncks Corner, South Carolina, for the disposal of indigent remains.

[Recommended by Committee on Justice and Public Safety]

4. **RESOLUTION** adopting various **policies** providing for reimbursement to the County for the use of long distance and cellular phone service for personal calls and providing for reimbursement to employees and elected officials for county related use of personal phones.

[Recommended by Committee on Finance]

#### **REPORTS FROM STANDING COMMITTEES:**

1. **Committee on Finance.**

**Councilmember, Mr. Dennis L. Fish, Chairman.**

2. **Committee on Land Use.**

**Councilmember, Mr. Milton Farley, Chairman.**

Recommendation to Deny:

**Request by M. Dennis Brown, 327 Cypress Gardens Road, Moncks Corner, TMS# 210-00-00-151&182, (3.36 acres & 5 acres), from GC, General Commercial District and HI, Heavy Industrial District, to HI, Heavy Industrial District. Council District No. 6.**

3. **Committee on Public Works and Purchasing.**

**Councilmember, Mr. Caldwell Pinckney, Jr., Chairman:**

Recommendations:

- a. Data Cabling, Telephone & Audio Visual Systems for new COB
- b. Tree Clearing and Runway Extension.
- c. Sole Source purchase of Flygt wastewater pumps.
- d. Sole Source purchase of generators.
- e. Roll off trucks.

4. **Committee on Justice and Public Safety.**

**Councilmember, Mrs. Judy C. Mims, Chairman**

- a. Training center improvements.

5. **Committee on Water and Sanitation.**  
**Councilmember, Mr. Steve C. Davis, Chairman.**  
Recommendations:
  - a. Contract for Ground Lease Space with Cingular Wireless.
  - b. Amendments to Solid Waste Contracts:
    - Composting Facility improvements.
    - Municipal Solid waste Expansion.
    - C & D Expansion.
    - LFG Control.
  - c. Amendment to Service Area Agreement with Town of Jamestown dated August 24, 1999.
  - d. Amendment to Solid Waste Regulations.
6. **Committee on Planning and Development.**  
**Councilmember, Mr. Charles E. Davis, Chairman.**
7. **Committee on Community Services.**  
**Councilmember, Mrs. Judith K. Spooner, Chairman.**
8. **Committee on Human Services.**  
**Councilmember, Mr. William E. Crosby, Chairman.**

#### **NOMINATIONS FOR MEMBERSHIP ON BOARDS, COMMISSIONS, ETC.**

BERKELEY COUNTY LIBRARY BOARD  
BERKELEY COUNTY WATER AND SANITATION APPEALS BOARD  
CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS  
DEVON FOREST SPECIAL TAX DISTRICT ADVISORY COMMISSION  
HOUSING BOARD OF ADJUSTMENTS AND APPEALS  
MENTAL HEALTH BOARD  
SPIERS LANDING COMMISSION  
TALL PINES SPECIAL TAX DISTRICT  
TAX ASSESSMENT REVIEW BOARD  
WORKFORCE INVESTMENT BOARD

#### **CORRESPONDENCE**

#### **UNFINISHED BUSINESS**

#### **NEW BUSINESS**

#### **ANNOUNCEMENTS**

**The September 2004, Regular Meeting of Berkeley County Council will be held on MONDAY September 27, 2004, IMMEDIATELY FOLLOWING PUBLIC HEARINGS, AND THE MEETING OF THE COMMITTEE ON FINANCE AT 6:00 PM, in THE ASSEMBLY ROOM, 223 NORTH LIVE OAK DRIVE, MONCKS CORNER, S. C.**

**ADJOURNMENT**

**EXECUTION OF DOCUMENTS BY COUNCIL**

**PUBLIC DISCUSSION**

August 17, 2004  
S/Barbara B. Austin, CCC  
Clerk of County Council